MD Electronic Crime Statutes

§ 7-301. Code grabbing devices.

(a) *Definitions.-*

(1) In this section the following words have the meanings indicated.

(2) "Code grabbing device" means a device that is capable of:

(i) receiving and recording the coded signal transmitted by an electronic security system; and

(ii) playing back the coded signal to disarm the electronic security system.

(3) "Electronic security system" includes:

(i) an electronic home security system;

(ii) a motor vehicle security alarm system;

(iii) an automatic garage door opener;

(iv) a home detention monitoring device; and

(v) an electronic or magnetic theft detection device used in a retail establishment.

(b) *Prohibited - Code grabbing device.-* A person may not manufacture, sell, use, or possess a code grabbing device with the intent that the code grabbing device be used in the commission of a crime.

(c) *Same - Shielding device.-* A person may not knowingly possess a device intended to shield merchandise from detection by an electronic security system with the intent to commit theft.

(d) *Same - Deactivation tool or device.-* A person may not knowingly possess a tool or device designed to allow the deactivation or removal from any merchandise an electronic security system or a device used as part of an electronic security system with the intent to:

(1) use the tool or device to deactivate any electronic security system; or

(2) remove any electronic security system or device used as part of an electronic security system from any merchandise without the permission of the merchant or person owning or lawfully holding the merchandise.

(e) *Penalty.-* A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

[An. Code 1957, art. 27, § 40B; 2002, ch. 26, § 2.]

§ 7-302. Unauthorized access to computers and related material.

(a) *Definitions.-*

(1) In this section the following words have the meanings indicated.

(2) "Access" means to instruct, communicate with, store data in, retrieve or intercept data from, or otherwise use the resources of a computer program, computer system, or computer network.

(3) (i) "Aggregate amount" means a direct loss of property or services incurred by a victim.

(ii) "Aggregate amount" includes:

1. the value of any money, property, or service lost, stolen, or rendered unrecoverable by the crime; or

2. any actual reasonable expenditure incurred by the victim to verify whether a computer program, computer, computer system, or computer network was altered, acquired, damaged, deleted, disrupted, or destroyed by access in violation of this section.

(4) (i) "Computer" means an electronic, magnetic, optical, organic, or other data processing device or system that performs logical, arithmetic, memory, or storage functions.

(ii) "Computer" includes property, a data storage facility, or a communications facility that is directly related to or operated with a computer.

(iii) "Computer" does not include an automated typewriter, a typesetter, or a portable calculator.

(5) "Computer control language" means ordered statements that direct a computer to perform specific functions.

(6) "Computer database" means a representation of information, knowledge, facts, concepts, or instructions that:

(i) is intended for use in a computer, computer system, or computer network; and

(ii) 1. is being prepared or has been prepared in a formalized manner; or

2. is being produced or has been produced by a computer, computer system, or computer network.

(7) "Computer network" means the interconnection of one or more computers through:

(i) the use of a satellite, microwave, line, or other communication medium; and

(ii) terminals or a complex consisting of two or more interconnected computers regardless of whether the interconnection is continuously maintained.

(8) "Computer program" means an ordered set of instructions or statements that may interact with related data and, when executed in a computer system, causes a computer to perform specified functions.

(9) "Computer services" includes computer time, data processing, and storage functions.

(10) "Computer software" means a computer program, instruction, procedure, or associated document regarding the operation of a computer system.

(11) "Computer system" means one or more connected or unconnected computers, peripheral devices, computer software, data, or computer programs.

(b) *Application of other provisions.-* This section does not preclude the applicability of any other provision of this Code.

(c) *Prohibited.-*

(1) A person may not intentionally, willfully, and without authorization access, attempt to access, cause to be accessed, or exceed the person's authorized access to all or part of a computer network, computer control language, computer, computer software, computer system, computer services, or computer database.

(2) A person may not commit an act prohibited by paragraph (1) of this subsection with the intent to:

(i) cause the malfunction or interrupt the operation of all or any part of a computer, computer network, computer control language, computer software, computer system, computer services, or computer data; or

(ii) alter, damage, or destroy all or any part of data or a computer program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer services, or computer database.

(3) A person may not intentionally, willfully, and without authorization:

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(i) possess, identify, or attempt to identify a valid access code; or
(ii) publicize or distribute a valid access code to an unauthorized person.
(d) *Penalty.-*
(1) A person who violates subsection (c)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.
(2) A person who violates subsection (c)(2) or (3) of this section:
(i) if the aggregate amount of the loss is $10,000 or more, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both; or
(ii) if the aggregate amount of the loss is less than $10,000, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.
(e) *Course of conduct.-* Access achieved in violation of this section under a single scheme or a continuing course of conduct may be considered as one violation.
(f) *Venue.-* A court of competent jurisdiction may try a person prosecuted under this section in any county in this State where:
(1) the defendant performed the act; or
(2) the accessed computer is located.
[An. Code 1957, art. 27, § 146; 2002, ch. 26, § 2.]

?27: 45A
27:145
27: 146
27: 340
27: 341
27: 342(a) & (b)
27: 342(c)
27: 342(c)(3)
27: 342(d)
27: 342(e)
27: 342(f)
27: 343 indictment)
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27: 354?

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